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APPLICATION NO	. FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,407 09/15/2003		09/15/2003	Kenton Zavitz	1907.04-1 3846	
26698	7590	06/21/2006		EXAMINER	
MYRIAD	GENETIC	CS INC.	PARKIN, JEFFREY S		
INTELLEC	CUTAL PRO	OPERTY DEPARTM	MENT		
320 WAK	ARA WAY		ART UNIT	PAPER NUMBER	
SALT LAK	E CITY, U	JT 84108	1648		

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 10/63,407	_		Application No.	Applicant(s)					
Jeffrey S, Parkin, Ph.D. 1648	Office Action Summary		10/663,407	ZAVITZ ET AL.					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 01 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Bedrains of term rapty a evaluate under the provised of 37 CFR 1.76(a). ### 100 period for reply a imposition down, the maintenn statutory printed will apply and will expire SIX (5) MONTHS from the malling date of this communication. **Falluto to reply which the sist or condition for maintenn statutory printed will apply and will expire SIX (5) MONTHS from the malling date of this communication. **Falluto to reply which the sist of condition for maintenn statutory printed will apply and will expire six (5) (5) MONTHS from the malling date of this communication. **Falluto to reply which the sist of condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. **Disposition of Claims** 4) ☐ Claim(s) 1-19 is/are pending in the application. 4a) Of the above claim(s) is/are epideted to. 4a) Of the above claim(s) is/are allowed. 6b) ☐ Claim(s) is/are allowed. 6c) ☐ Claim(s) is/are allowed. 6c) ☐ Claim(s) is/are objected to. 9b) ☐ The specification is objected to by the Examiner. 10c) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.86(a) Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgme			Examiner	Art Unit					
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. E bate-nions of time may be available under be provision of 37 CFR 1.10[a). In or event, however, may a reply be limby filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximus actiancy period will apply and will applie SIX (6) MONTHS from the mailing date of this communication. Any reply received by the Office lister than fixer anomals after the mailing date of this communication, even if timely filed, may reduce any extended patent term adjustment. See 37 CFR 1.704(b). Status 1) □ Responsive to communication(s) filed on 26 January 2004. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-19 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are rejected to. 8) □ Claim(s) 1-19 are subject to restriction and/or election requirement. Application Papers 9 □ The specification is objected to by the Examiner. 10 □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bur	Period for Reply								
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3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:	1) Notice 2) Notice 3) Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal P	ate					



Serial No.: 10/663,407 Docket No.: 1907.04-1 Applicants: Zavitz, K., et al. Filing Date: 09/15/2003

Restriction Requirement

35 U.S.C. § 121

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- a. Group I, claim(s) 1-8, drawn to a method for inhibiting HIV budding from a cell by administering a Tsg101-specific antibody, classified in class 435, subclass 5, and class 424, subclasses 130.1 and 154.1.
- b. Group II, claim(s) 1-5 and 9, drawn to a a method for inhibiting HIV budding from a cell by administering an HIV Gag fragment, classified in class 435, subclass 5, and class 424, subclass 208.1.
- c. Group III, claim(s) 1 and 10-15, drawn to a method for inhibiting HIV budding from a cell by administering a nucleic acid molecule that inhibits Tsg101 expression, classified in class 435, subclass 5, and class 536, subclasses 24.5.
- d. Group IV, claim(s) 16 and 17, drawn to a **host cell** comprising a vector expressing nucleic acid molecules that **inhibit Tsg101 expression**, classified in class 435, subclass 325, and class 536, subclass 24.5.
- e. Group V, claim(s) 18 and 19, drawn to a **host cell** comprising a vector expressing nucleic acid molecules that **inhibit Gag expression**, classified in class 435, subclass 325, and class 536, subclass 24.5.

The inventions are distinct, each from the other because of the following reasons:

Unrelated Inventions

Inventions I-V are all unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (M.P.E.P. § 806.04 and § 808.01). Concerning groups I-III, each group is directed toward a method that employs different antiviral reagents (e.g., antibody,

polypeptide, or RNA molecule) and protocols. Concerning groups IV and V, each host cell comprises a structurally and functionally different nucleic acid molecule. Concerning groups I-III and IV/V, the methods of groups I-III neither require nor utilize the cell lines of groups IV and V.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, recognized divergent subject matter, and require separate searches, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 C.F.R. § 1.143). Applicant is also advised that the claims should be amended to reflect the election, where necessary.

37 C.F.R. § 1.48(b)

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(i).

Correspondence

Any inquiry concerning this communication should be directed to Jeffrey S. Parkin, Ph.D., whose telephone number is (571) 272-0908. The examiner can normally be reached Monday through Thursday from 10:30 AM to 9:00 PM. A message may be left on the examiner's voice mail service. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Bruce R. Campell, Ph.D., can be reached at (571) 272-0974. Direct general status inquiries to the

Serial No.: 10/663,407 Applicants: Zavitz, K., et al.

Technology Center 1600 receptionist at (571) 272-1600. Informal communications may be submitted to the Examiner's RightFAX account at (571) 273-0908.

Applicants are reminded that the United States Patent and Office (Office) requires most patent correspondence to be: a) faxed to the Central FAX number (571-273-8300) (updated as of July 15, 2005), b) hand carried or delivered to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 C.F.R. § 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System. This notice replaces all prior Office notices specifying a specific fax number or hand carry address for certain patent related correspondence. further information refer to the Updated Notice of Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence, and Exceptions Thereto, 1292 Off. Gaz. Pat. Office 186 (March 29, 2005).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully,

Je#frey S. Parkin, Ph.D.

Primary Examiner Art Unit 1648

19 June, 2006